

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**KENNETH BLUM et al.,
Plaintiffs,**

V.

**GENERAL ELECTRIC COMPANY,
Defendant.**

**ENNO EDZARDS et al.,
Plaintiffs,**

v.

RAYTHEON COMPANY,
Defendant.

**ULRICH BEHRENDT et al.,
Plaintiffs,**

V.

**LUCENT TECHNOLOGIES, INC. and
GENERAL ELECTRIC COMPANY,
Defendants.**

**KARL-HEINZ SCHATZ et al.,
Plaintiffs,**

V.

HONEYWELL INTERNATIONAL, INC.
et al.,
Defendants.

ORDER GRANTING MOTION TO VACATE

On this day, the Court considered Plaintiffs’ “Motion to Vacate and Amend Forum Non Conveniens Order,” filed on April 14, 2008, in the above-captioned cause. Therein, they request

that the Court vacate its Order issued March 31, 2008, “to be reissued upon the issuance of findings of fact and law.” Mot. 2. In that Order, the Court held that a *forum non conveniens* dismissal is appropriate with respect to certain Plaintiffs of German nationality, but not with respect to those Plaintiffs of German nationality who have alleged that some part of their injury occurred in the United States, and so granted in part and denied in part Defendants’ “Motion to Sever and Dismiss the German Plaintiffs’ Claims Pursuant to the Doctrine of *Forum Non Conveniens* and Brief in Support Thereof,” and denied without prejudice to re-filing Defendants’ “Motion to Dismiss for Failure to Join a Party Under Rule 19.” Docket No. 96. Plaintiffs also request that the Court grant Plaintiffs leave to identify any individual Plaintiffs who were not previously identified as having trained in the United States, but who may have so trained, and may, on that basis, allege that some part of their injury occurred in the United States. On April 15, 2008, the Court confirmed with counsel for Defendants that they are not opposed to the Court’s vacating its prior order and reissuing the Order with a memorandum opinion and order setting forth the Court’s reasoning. However, counsel did indicate that they intend to file a response with respect to whether or not Plaintiffs should be permitted to identify Plaintiffs who actually trained in the United States but were not previously identified as such. After due consideration, the Court is of the opinion that Plaintiffs’ Motion should be granted insofar as the Court’s Order of March 31, 2008, should be vacated, but the Court will reserve judgment with respect to their other request until after the Motion has been fully briefed.

Accordingly, **IT IS ORDERED** that Plaintiffs’ “Motion to Vacated and Amend Forum Non Conveniens Order” (Docket No. 103) is **GRANTED IN PART**.

IT IS FURTHER ORDERED that the Court's "Order Granting in Part and Denying in Part Defendants' Motion to Sever and Dismiss the German Plaintiffs' Claims Pursuant to the Doctrine of Forum Non Conveniens and Denying Without Prejudice Defendants' Motion to Dismiss For Failure to Join a Party Under Rule 19" (Docket No. 96) is **VACATED**.

SIGNED this 17th day of April, 2008.



PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE